

ORIGINAL

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TEXAS**

FILED  
 U.S. DISTRICT COURT  
 EASTERN DISTRICT OF TEXAS

OCT 20 2005

UNITED STATES OF AMERICA

DAVID J. MALAND, CLERK  
 BY  
 DEPUTY

V.  
 DEMETRIUS FLENORY

**CRIMINAL COMPLAINT**  
**CASE NUMBER: 4:05-M-166**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On October 20, 2005, in Collin County, in the Eastern District of Texas, defendant Demetrius Flenory, did knowingly possess in and affecting commerce, two firearms, namely, (1) a Springfield Armory, Model XP-40, .40 caliber pistol, serial number US445848; and (2) a FNH, Model Unknown, 5.7X28MM, semi-automatic pistol, serial number 386107089, and Defendant has been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Section 922(g)(1). I further state that I am a Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives and that this complaint is based on the following facts:

**SEE ATTACHED AFFIDAVIT.**

Continued on the attached sheet and made a part hereof. Yes.

  
 SA Joe Patterson, ATF  
 Complainant

Sworn to before me, and subscribed in my presence

October 20, 2005

Sherman, Texas

Date

at

City and State

DON D. BUSH

U. S. MAGISTRATE JUDGE



Name and Title of Judicial Officer

Signature of Judicial Officer

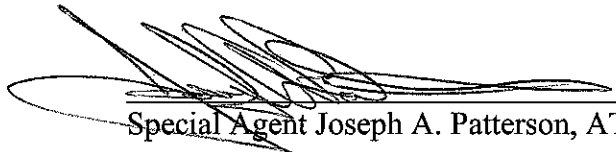
**AFFIDAVIT**

I, Joseph A. Patterson, having been duly sworn, do hereby state and depose as follows:

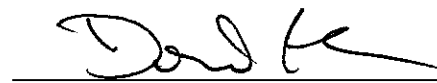
1. I am employed as a Senior Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently assigned to the Dallas III / Plano Satellite Field Office. I have been so employed since January 17, 1988. In connection with my official duties, I investigate criminal violations of the Federal Firearms Laws, including but not limited to persons who are prohibited from possessing firearms and ammunition due to a previously felony conviction.
2. This affidavit has been based upon information that I have personal knowledge of or that has been related to me by other law enforcement agents and officers participating in this investigation. For the following reasons, I believe that Demetrius FLENORY (B/M 06/21/1968) has committed acts which are in violation of Title 18, United States Code, Section 922(g)(1) - Felon in possession of a firearm.
3. On Thursday, October 20, 2005, I was contacted by Special Agent Joel Sheppard, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Atlanta Field Division. Special Agent Sheppard is currently assigned to the United States Marshals Service Southeast Regional Fugitive Task Force, which is based in Atlanta, Georgia. Special Agent Sheppard advised that he and other Task Force Members developed information concerning the whereabouts of Demetrius FLENORY, a fugitive from justice. Special Agent Sheppard advised that FLENORY was currently wanted on four (4) felony

warrants issued for his arrest from Fulton County, Georgia. Special Agent Sheppard advised that the intelligence information indicated that FLENORY was currently residing at 5173 Brandywine Lane, Frisco, Collin County, Eastern District of Texas. Based upon the intelligence information, Special Agent Sheppard and other Task Force Members traveled from Atlanta, Georgia, to the residence in Frisco, Texas. On October 19, 2005, surveillance was established on the residence and FLENORY was observed entering the residence. During the morning hours of October, 20, 2005, law enforcement officers entered the residence and arrested FLENORY in the back yard area. While securing the residence, two (2) other occupants were detained. Additionally, two (2) firearms were observed on the attic floor. The attic is accessible through a doorway located in the upstairs bathroom. Additionally, a user amount of marijuana was observed in plain view in the master bedroom. Based upon the discovery of the two (2) firearms and marijuana, a State Search Warrant was issued for the residence. Pursuant to the execution of the search warrant, Special Agent Sheppard advised that a loaded Springfield Armory, Model XP-40, .40 caliber semi-automatic pistol, Serial Number US445848, was located a kitchen cabinet, next to the stove. In the kitchen drawer, located below the cabinet, were business cards with FLENORY'S name printed on them. Special Agent Sheppard advised that in a safe located in the master bedroom closet, a loaded FNH, Model Unknown, 5.7X28MM caliber semi-automatic pistol, Serial Number 386107089, made in Belgium, imported by FNH, Fredericksburg, VA, was located by law enforcement. Special Agent Sheppard advised that mens shoes and clothing, including a shirt with FLENORY'S name on it were located next to the safe.

4. On March, 20, 1991, Demetrius FLENORY was convicted of the felony offense of Carrying a Concealed Weapon in the 36<sup>th</sup> District Court, Detroit, Michigan, Cause Number 82-9092401601. On the same date, FLENORY was sentenced to five (5) years or \$2,500.00. Prior to this date, Special Agent Joel Sheppard advised that he had FLENORY'S fingerprints compared to the felony conviction and that it was the same person.
5. I, as an expert concerning the interstate nexus of firearms and ammunition, have reviewed the descriptions of the aforementioned firearms and have concluded that they were not manufactured in the State of Texas. Additionally, that they would have effected interstate or foreign commerce to be present in the State of Texas.
6. Based upon the information, I believe that probable cause exist that Demetrius FLENORY has committed a violation of Title 18, United States Code, Section 922(g)(1).

  
Special Agent Joseph A. Patterson, ATF

SUBSCRIBED and SWORN to before me on this 20<sup>th</sup> day of October, 2005.

  
Honorable Don D. Bush  
United States Magistrate Judge  
Eastern District of Texas